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10/810,703

03/29/2004

Takahiro Kurosawa

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EXAMINER

CUTLER, ALBERT H

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/810,703

Applicant(s)

KUROSAWA ET AL.

Examiner

Albert H. Cutler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is responsive to communication filed on August 30, 2007.  
Claims 11-25 are pending in the application. Applicant has canceled claims 1-10.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 11-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 25 is objected to because of the following informalities: Lack of clarity and precision. Claim 25 reads "the medium according to claim 21". It appears the claim 25 should read "the medium according to claim 24". The examiner will interpret claim 25 to read "the medium according to claim 24". This is similar to claims 15 and 20.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11, 13-16, 18-21 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al.(US 2003/0214582).

Consider claim 11, Takahashi et al. teach:

A method of generating a moving picture file (figure 28, paragraph 0125), the method including:

obtaining moving picture data taken by a camera ("image pickup is done using a video camera", paragraph 0094), and information relating to the camera corresponding to moving picture data (Information relating to the geographical position of the camera is obtained via a GPS receiver, paragraph 0094.);

determining a time point where the moving picture data is to be divided, based on the information relating to the camera obtained at the obtaining step;

dividing the moving picture data at the time point determined at the determining step; and

generating a moving picture file from the divided moving picture data divided at the dividing step.

See figures 8-10 and paragraphs 0092-0094. A video data file (800) is created which contains a source video file, a video information file, sectional video files, and sectional video information files. Figure 9 shows a video data file in which video data is obtained corresponding to specific points in time. Figure 10 shows a road network over which a video camera travels. The two arrows approximate the hypothetical road, and the actual road is measured via GPS and denoted by the circles. Figures 11 and 12

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show how different video information files are associated with different coordinates and distances from a start node(paragraphs 0095-0096).

Now see figure 28. A series of "links" are defined between intersections of roads(these are shown in figure 3). Basically, as detailed in paragraph 0125 and figure 28, two time points are determined based on when endpoints of a link are passed(i.e. based on when GPS information corresponding to the video information indicates the closest position to that set for an endpoint of a specific link). The video associated with time between the passage of the two endpoints of a link is then divided from the source video file and saved as a segment video file corresponding to the GPS information obtained for a that link(see steps 2805 and 2806).

Consider claim 13 and as applied to claim 11 above, Takahashi et al. further teach that the information relating to the camera is information relating to switching of the camera(The information relates to the switching of the position of the camera. See figures 11 and 12, paragraphs 0094-0096.).

Consider claim 14, and as applied to claim 11 above, Takahashi et al. further teach that the information relating to the camera is information relating to the operations of the camera(The information relates to the position where the camera is operating. See figures 11 and 12, paragraphs 0094-0096.).

Consider claim 15, and as applied to claim 14 above, Takahashi et al. further teach that the operation information of the camera is in one of change amount per unit time(change in movement per unit time, paragraph 0125) and movement information indicating movement toward a pre-set position(paragraphs 0094 and 0125, figures 10-12).

Consider claim 16, Takahashi et al. teach:

An apparatus for generating a moving picture file(figure 1), comprising:

an obtaining device for obtaining moving picture data taken by a camera("image pickup is done using a video camera", paragraph 0094), and information relating to the camera corresponding to moving picture data(Information relating to the geographical position of the camera is obtained via a GPS receiver, paragraph 0094.);

a determining device for determining a time point where the moving picture data is to be divided, based on the information relating to the camera obtained by the obtaining device;

a dividing device for dividing the moving picture data at the time point determined at the determining device; and

a generating device for generating a moving picture file by dividing the moving picture data, based on information relating to the camera from the divided moving picture data divided at the dividing device.

See figures 8-10 and paragraphs 0092-0094. A video data file(800) is created which contains a source video file, a video information file, sectional video files, and

sectional video information files. Figure 9 shows a video data file in which video data is obtained corresponding to specific points in time. Figure 10 shows a road network over which a video camera travels. The two arrows approximate the hypothetical road, and the actual road is measured via GPS and denoted by the circles. Figures 11 and 12 show how different video information files are associated with different coordinates and distances from a start node(paragraphs 0095-0096).

Now see figure 28. A series of "links" are defined between intersections of roads(these are shown in figure 3). Basically, as detailed in paragraph 0125 and figure 28, two time points are determined based on when endpoints of a link are passed(i.e. based on when GPS information corresponding to the video information indicates the closest position to that set for an endpoint of a specific link). The video associated with time between the passage of the two endpoints of a link is then divided from the source video file and saved as a segment video file corresponding to the GPS information obtained for a that link(see steps 2805 and 2806).

A processing unit(101, paragraph 0083, figure 101) performs as a determining device, dividing device and generating device.

Consider claim 18 and as applied to claim 16 above, Takahashi et al. further teach that the information relating to the camera is information relating to switching of the camera(The information relates to the switching of the position of the camera. See figures 11 and 12, paragraphs 0094-0096.).

Consider claim 19, and as applied to claim 16 above, Takahashi et al. further teach that the information relating to the camera is information relating to the operations of the camera(The information relates to the position where the camera is operating. See figures 11 and 12, paragraphs 0094-0096.).

Consider claim 20, and as applied to claim 19 above, Takahashi et al. further teach that the operation information of the camera is in one of change amount per unit time(change in movement per unit time, paragraph 0125) and movement information indicating movement toward a pre-set position(paragraphs 0094 and 0125, figures 10-12).

Consider claim 21, Takahashi et al. teach:

A computer readable medium which stores a program for executing a method of generating a moving picture file(See figure 1, paragraphs 0082 and 0083. Two storage unit(103 and 104, i.e. computer readable media) and a processing unit(101) are illustrated. Because the processor executes a moving picture file generation method, a program must be stored on the computer readable media for controlling the processor.), the method including:

obtaining moving picture data taken by a camera("image pickup is done using a video camera", paragraph 0094), and information relating to the camera corresponding to moving picture data(Information relating to the geographical position of the camera is obtained via a GPS receiver, paragraph 0094.);



determining a time point where the moving picture data is to be divided, based on the information relating to the camera obtained at the obtaining step;

dividing the moving picture data at the time point determined at the determining step; and

generating a moving picture file from the divided moving picture data divided at the dividing step.

See figures 8-10 and paragraphs 0092-0094. A video data file(800) is created which contains a source video file, a video information file, sectional video files, and sectional video information files. Figure 9 shows a video data file in which video data is obtained corresponding to specific points in time. Figure 10 shows a road network over which a video camera travels. The two arrows approximate the hypothetical road, and the actual road is measured via GPS and denoted by the circles. Figures 11 and 12 show how different video information files are associated with different coordinates and distances from a start node(paragraphs 0095-0096).

Now see figure 28. A series of "links" are defined between intersections of roads(these are shown in figure 3). Basically, as detailed in paragraph 0125 and figure 28, two time points are determined based on when endpoints of a link are passed(i.e. based on when GPS information corresponding to the video information indicates the closest position to that set for an endpoint of a specific link). The video associated with time between the passage of the two endpoints of a link is then divided from the source video file and saved as a segment video file corresponding to the GPS information obtained for a that link(see steps 2805 and 2806).

Consider claim 23 and as applied to claim 21 above, Takahashi et al. further teach that the information relating to the camera is information relating to switching of the camera(The information relates to the switching of the position of the camera. See figures 11 and 12, paragraphs 0094-0096.).

Consider claim 24, and as applied to claim 21 above, Takahashi et al. further teach that the information relating to the camera is information relating to the operations of the camera(The information relates to the position where the camera is operating. See figures 11 and 12, paragraphs 0094-0096:.).

Consider claim 25, and as applied to claim 24 above, Takahashi et al. further teach that the operation information of the camera is in one of change amount per unit time(change in movement per unit time, paragraph 0125) and movement information indicating movement toward a pre-set position(paragraphs 0094 and 0125, figures 10-12).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 12, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. in view of Miyake(US 2001/0010549).

Consider claim 12, and as applied to claim 11 above, Takahashi et al. teach of dividing the moving picture data based on GPS data(see claim 11 rationale). However, Takahashi et al. do not teach that the information relating to the camera is information relating to a range where the camera is prohibited from capturing pictures.

Miyake is very similar to Takahashi et al., as a camera records GPS data along with image data(See title, figure 3, paragraphs 0059-0083).

However, in addition to the teachings of Takahashi et al., Miyake teaches that the GPS information(i.e. information relating to the camera) is related to a range where the camera is prohibited from capturing pictures. See paragraphs 0064, 0071, and 0080. The capturing of images is prohibited if the GPS information cannot be obtained.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the camera information taught by Takahashi et al.

related to a range where the camera is prohibited from capturing images as taught by Miyake for the benefit of ensuring that no image data is obtained without corresponding geographical position data, and thus eliminating the affiliation of image data with incorrect geographical data(Miyake, paragraph 0008).

Consider claim 17, and as applied to claim 16 above, Takahashi et al. teach of dividing the moving picture data based on GPS data(see claim 16 rationale). However, Takahashi et al. do not teach that the information relating to the camera is information relating to a range where the camera is prohibited from capturing pictures.

Miyake is very similar to Takahashi et al., as a camera records GPS data along with image data(See title, figure 3, paragraphs 0059-0083).

However, in addition to the teachings of Takahashi et al., Miyake teaches that the GPS information(i.e. information relating to the camera) is related to a range where the camera is prohibited from capturing pictures. See paragraphs 0064, 0071, and 0080. The capturing of images is prohibited if the GPS information cannot be obtained.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the camera information taught by Takahashi et al. related to a range where the camera is prohibited from capturing images as taught by Miyake for the benefit of ensuring that no image data is obtained without corresponding geographical position data, and thus eliminating the affiliation of image data with incorrect geographical data(Miyake, paragraph 0008).

Consider claim 22, and as applied to claim 21 above, Takahashi et al. teach of dividing the moving picture data based on GPS data(see claim 21 rationale). However, Takahashi et al. do not teach that the information relating to the camera is information relating to a range where the camera is prohibited from capturing pictures.

Miyake is very similar to Takahashi et al., as a camera records GPS data along with image data(See title, figure 3, paragraphs 0059-0083).

However, in addition to the teachings of Takahashi et al., Miyake teaches that the GPS information(i.e. information relating to the camera) is related to a range where the camera is prohibited from capturing pictures. See paragraphs 0064, 0071, and 0080. The capturing of images is prohibited if the GPS information cannot be obtained.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the camera information taught by Takahashi et al. related to a range where the camera is prohibited from capturing images as taught by Miyake for the benefit of ensuring that no image data is obtained without corresponding geographical position data, and thus eliminating the affiliation of image data with incorrect geographical data(Miyake, paragraph 0008).

### ***Conclusion***

9. The objections made to the drawings and claim 20 are hereby withdrawn in view of Applicant's response.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC`

  
NGOO-YEN VU  
SUPERVISORY PATENT EXAMINER